

PUBLIC NOTICE

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CONSOLIDATED NOTICE OF INTENT TO ISSUE PERMIT
AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS**

The Department of Environmental Protection gives notice of its intent to issue a joint coastal permit (File No. 0190740-001-JC) and grant an easement to use sovereign submerged lands to the Canaveral Port Authority, P.O. Box 267, 200 George King Boulevard, Cape Canaveral, FL 32920, to sand-tighten and elevate 940 linear feet of the existing north jetty using rock boulders and geo-grid/geo-textile barrier, and, extend the jetty seaward by 300 feet using sheet pile and rock armor.

The activity is located at the North Jetty of Canaveral Inlet, South of Cape Canaveral, Florida, Brevard County, Section 12, Township 24 South, Range 37 East, in the Atlantic Ocean, Class III Waters.

A person whose substantial interests are affected by the Department's action may petition for an administrative hearing in accordance with sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section

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120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C. Under sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "CONSOLIDATED NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS" and the "DRAFT CONSOLIDATED JOINT COASTAL PERMIT AND INTENT TO GRANT SOVEREIGN SUBMERGED LANDS AUTHORIZATION" can be viewed at the Department's Internet Web site at: <http://www.dep.state.fl.us/beaches/permitting/permits.htm>



DEPARTMENT OF THE AIR FORCE

45TH SPACE WING (AFSPC)

11 December 1995

MEMORANDUM FOR DEPARTMENT OF THE ARMY
JACKSONVILLE CORPS OF ENGINEERS
PLANNING DIVISION, ENVIRONMENTAL BRANCH
ATTENTION: A. J. SALEM, CHIEF
P.O. BOX 4970
JACKSONVILLE, FL 32232-0019

FROM : 45 CES/CEV
1224 Jupiter Street
Patrick AFB, FL 32925-3343

SUBJECT : Proposed Interim Sand Tightening of the North Jetty at Canaveral Harbor,
Brevard County, Florida

1. We have reviewed the above referenced project description on the proposed sand tightening project and we have some questions and concerns. The project description indicates that there is an existing easement for maintenance of the jetty. We have researched the real property records and maps for Cape Canaveral Air Station (CCAS) and can find no description of the easement. Could you please provide us with documentation and a real property description that shows the jetty and the easement, relative to the boundaries of CCAS.

2. In addition, the access to the jetty area will be through Cape Canaveral Air Station (CCAS) and the sand that is to be used for the geo-tubes will come from CCAS property, according to a conversation with Mike Dupes of your office. If any activity takes place on Air Force property, the party that is undertaking the activity will need to submit an Air Force form 813. This form details what potential environmental impacts there will be and what will be done to mitigate any adverse impacts. In the project description, there is an indication that this will be a temporary situation and thus leaves open the time frame for the removal of the geo-tubes. Could you please provide us with an approximate life expectancy for the project?

3. If you have any questions or comments, please contact Mike Camardese at 407-494-9257 or Clay Gordin at 407-494-2905.

RECEIVED

DEC 14 1995

OLIN C. MILLER
Chief, Environmental Flight

Olsen Associates, Inc.

cc:

Olsen Assoc. (K. Bodge)

Canaveral Port Authority (L. Guise)

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

DEED NO. 23581

THIS INDENTURE, made this 31st. day of January,
A. D. 1964, by and between the TRUSTEES OF THE INTERNAL IMPROVE-
MENT FUND OF THE STATE OF FLORIDA, as the first parties, and
✓ CANAVERAL PORT AUTHORITY, a public corporation organized and
existing under and by virtue of the provisions of Chapter 28922,
Laws of Florida, 1953, as the second party.

WITNESSETH: Whereas, application having been made
December 21, 1963, by the second party for conveyance of the land
hereinafter described, for public purposes, being lands held by
the first parties, and said application having been approved by
the Trustees of the Internal Improvement Fund at their meeting
held December 31, 1963;

NOW, THEREFORE, the Trustees of the Internal Improvement
Fund of the State of Florida, in consideration of the premises and
the sum of One Dollar to them paid by the second party, receipt of
which is hereby acknowledged, have remised, released, granted and
conveyed, and by these presents hereby remise, release, grant and
convey, subject to the provisions hereinafter set forth, unto said
second party, its successors and assigns, the following described
land in BREVARD COUNTY, Florida, to-wit:

SCHEDULE A-1

A parcel of unsurveyed land comprising part of the
bottoms of Banana River described as follows:

The North quarter, less the North 300 feet of the
W $\frac{1}{4}$ of Section 16, Township 24 South, Range 37 East,
containing 62 acres, more or less, lying and being
in Brevard County, Florida.

SCHEDULE B

A parcel of unsurveyed land comprising part of the
bottoms of Banana River described as follows:

The South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$)
of Section 3; That portion of the South Half (S $\frac{1}{2}$)
of the Southwest Quarter (SW $\frac{1}{4}$) of Section 2 lying
West of the Meander of the East shore of the Banana
River; all in Township 24 South, Range 37 East,
containing 92 acres, more or less, lying and being
in Brevard County, Florida.

*Portion of this deed reconveyed
to Trustee (See G.C. deed attached)*

SCHEDULE E

A parcel of unsurveyed land comprising part of the bottoms of Banana River described as follows:

The West Half ($W\frac{1}{2}$) of Section 9, less the South 1750.86 feet thereof; The South Half ($S\frac{1}{2}$) of Section 4; The Southwest Quarter ($SW\frac{1}{4}$) of Section 3; all in Township 24 South, Range 37 East, Brevard County, Florida, containing 694 acres, more or less.

SCHEDULE F, ✓

A tract or parcel of low and submerged land lying in Fractional Sections 11 and 12, Township 24 South, Range 37 East, Brevard County, Florida, and extending easterly into the Atlantic Ocean, more particularly described as follows:

For a point of reference, commence at the Southwest corner of Fractional Section 12, Township 24 South, Range 37 East, Brevard County, Florida; run thence North $00^{\circ} 17' 00''$ West, along the West line of Section 12, a distance of 667.03 feet to the Point of Beginning. From the point of beginning, run thence South $89^{\circ} 53' 00''$ West, 200 feet to a point; thence North $00^{\circ} 17' 00''$ West, 150 feet to a point; thence North $00^{\circ} 07' 00''$ West, 225.44 feet to a point; thence North $89^{\circ} 53' 00''$ East, along a line 300 feet south of when measured at right angles to the center line of Canaveral Harbor right of way, a distance of 1,100 feet, more or less, to a point on the existing Eastern boundary of the channel right of way; thence North-easterly along said right of way line 700 feet, more or less, to a point; thence North $00^{\circ} 07' 00''$ West 175 feet to a point; thence North $89^{\circ} 53' 00''$ East, 34.38 feet to a point; thence North $23^{\circ} 16' 00''$ East, 200 feet, more or less, to a point on the high water line of the Atlantic Ocean, which is the existing boundary of the Cape Canaveral Missile Test Annex; run thence Northeasterly along the high water line to the Atlantic Ocean and the boundary of the Cape Canaveral Missile Test Annex 650 feet, more or less, to a point on a line 125 feet Northeasterly of and parallel to the center line of the existing North Jetty of Canaveral Harbor; thence South $63^{\circ} 10' 42''$ East parallel to and 125 feet Northeasterly of the center line of the existing North Jetty, a distance of 1,600 feet, more or less, to a point on the North right of way line of the proposed Canaveral Harbor entrance channel; thence South $00^{\circ} 07' 00''$ East, 1,642.03 feet to a point; thence South $89^{\circ} 53' 00''$ West, 3,120 feet, more or less, to the high water line of the Atlantic Ocean; thence Northerly along the high water line 670 feet, more or less, to a point; thence South $89^{\circ} 53' 00''$ West, 230 feet, more or less, to the Point of Beginning. Containing 123.5 acres, more or less.

This deed is granted subject to the following provisions and limitations, viz:

1. Prior grant of Dedication No. 23151, dated July 31, 1962, by the Trustees of the Internal Improvement Fund of the State of Florida to the United States of America covering a part of the above described land.
2. That said land shall be used by the second party, its successors and assigns, for public purposes only, and in

the event said land shall cease to be used for public purposes and be abandoned, the interest herein granted shall automatically revert to and revest in the Trustees of the Internal Improvement Fund.

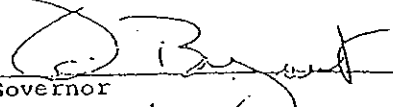
3. The Trustees of the Internal Improvement Fund hereby reserve unto themselves and their successors title to an undivided three-fourths of all phosphate, minerals and metals, and title to an undivided one-half of all petroleum that may be in, on or under the above described land.

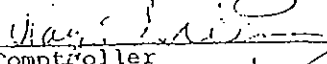
TO HAVE AND TO HOLD said premises and the appurtenances thereof, subject to the above mentioned provisions and limitations, unto said second party, its successors and assigns, forever.

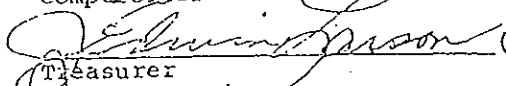
IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund have hereunto subscribed their names and affixed their seal, and have caused the seal of the DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA to be hereunto affixed, at the Capitol, in the City of Tallahassee, on this the 31st day of January, A. D. 1964

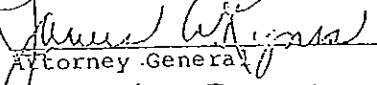
(SEAL)
Trustees I. I. Fund

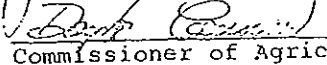
(SEAL)
Dept. of Agriculture

 (SEAL)
Governor

 (SEAL)
Comptroller

 (SEAL)
Treasurer

 (SEAL)
Attorney General

 (SEAL)
Commissioner of Agriculture

As and Constituting the Trustees of the Internal Improvement Fund of the State of Florida.

TRACTS 13. 15

EASEMENT

1. THIS INSTRUMENT made and entered into this 24 day of March, 1964, between the CANAVERAL PORT AUTHORITY, a Florida corporation, whose address is Port Canaveral, Florida, party of the first part, and the UNITED STATES OF AMERICA, party of the second part, WITNESSETH;

2. WHEREAS, in the Act of Congress First Session,
88th Congress
subject to the condition, among others, that local interests furnish free of cost to the United States all necessary lands required for the improvement and subsequent maintenance thereof when and as required; and,

3. WHEREAS, the CANAVERAL PORT AUTHORITY, a Florida corporation, has assumed the obligations of local sponsor with respect to procuring said necessary lands without cost to the United States; and,

4. WHEREAS, the party of the first part is owner in fee simple of a tract of land situated in Brevard County, State of Florida, more particularly described as follows:

See Schedule "A" attached hereto and made a part hereof.

5. AND, WHEREAS, said tract of land is needed in connection with the aforesaid improvement.

6. NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar, the receipt of which is hereby acknowledged and the benefits to the party of the first part that will result from the proposed improvement, the party of the first part does hereby grant, bargain, sell and convey unto the party of the second part, the assignable right and easement intermittently or continuously to enter upon and to use any and all of the hereinabove described tract of land for the following purposes:

The perpetual right and easement to enter upon, construct, repair, maintain, improve or enlarge jetties and revetments as now authorized by Congress, or as may be authorized in the future.

7. TO HAVE AND TO HOLD said rights and easement unto the party of the second part, and its assigns forever, reserving to the party of the first part the right to use the said property in any manner which is not inconsistent with the rights hereinabove granted.

8. That party of the first part covenants that it is lawfully seized and possessed of said premises, the same is unencumbered, that it has a good and lawful right to sell and convey the same, and covenants to warrant and defend the title to the same to the said party of the second part against the lawful claims of all persons whomsoever.

9. It is distinctly understood and agreed that neither the grantee herein nor its assigns are under any obligation to use subject property for the deposit of dredged materials.

10. IN WITNESS WHEREOF, the said CANAVERAL PORT AUTHORITY, party of the first part, has signed these presents and attached its seal on the day and year first above written.

CANAVERAL PORT AUTHORITY,

ATTEST:

B. E. Smith

[Signature]

SCHEDULE A TRACT 15

CANAVRAH HARBOR PROJECT Perpetual Easement for South Jetty

A tract or parcel of low and submerged land lying in Fractional Section 11 and 12, Township 24 South, Range 37 East, Brevard County, Florida, and extending easterly into the Atlantic Ocean, more particularly described as follows:

For a point of reference, commence at the southwest corner of Fractional Section 12, Township 24 South, Range 37 East, Brevard County, Florida; run thence North $00^{\circ} 17' 00''$ West, along the west line of Section 12, 667.03 feet to the point of beginning.

From the point of beginning, run thence South $89^{\circ} 53' 00''$ West, 200 feet to a point; thence North $00^{\circ} 17' 00''$ West, 150 feet to a point; thence North $00^{\circ} 07' 00''$ West, 225.44 feet to a point; thence North $89^{\circ} 53' 00''$ East along a line 300 feet south of when measured at right angles to the centerline of Canaveral Harbor right-of-way, a distance of 1500.00 feet to a point; thence South $00^{\circ} 07' 00''$ East, 375 feet to a point; thence South $89^{\circ} 53' 00''$ West, 1300 feet to the point of beginning.

The above described tract or parcel of low and submerged land contains 12.05 acres, more or less.

SCHEDULE A TRACT 13

CANAVRAH HARBOR PROJECT Perpetual Easement for North Jetty

A tract or parcel of low and submerged land lying in Fractional Section 12, Township 24 South, Range 37 East, Brevard County, Florida, and extending easterly into the Atlantic Ocean, being more particularly described as follows:

For a point of reference, commence at the southwest corner of Fractional Section 12, Township 24 South, Range 37 East, Brevard County, Florida; thence run North $00^{\circ} 17' 00''$ West, 667.03 feet to a point; thence North $89^{\circ} 53' 00''$ East, 1300 feet to a point; thence North $00^{\circ} 07' 00''$ West, 975 feet, more or less, to the point of beginning.

From the point of beginning, continue North $00^{\circ} 07' 00''$ West, 175 feet to a point; thence North $89^{\circ} 53' 00''$ East, 34.38 feet to a point; thence North $23^{\circ} 16' 00''$ East, 200 feet, more or less, to a point on the high water line of the Atlantic Ocean, which is the existing boundary of the Cape Canaveral Missile Test Annex; run thence northeasterly along the high water line of the Atlantic Ocean and the boundary of the Cape Canaveral Missile Test Annex 650 feet, more or less, to a point on a line 125 feet northeasterly of and parallel to the centerline of the existing North Jetty of Canaveral Harbor; thence South $63^{\circ} 10' 42''$ East parallel to and 125 feet northeasterly of the centerline of the existing North Jetty, a distance of 1600 feet, more or less, to a point on the north right-of-way line of the proposed Canaveral Harbor entrance channel; thence South $89^{\circ} 53' 00''$ West, 2050 feet, more or less, to the point of beginning.

The above described tract or parcel of land contains 20.00 acres, more or less.



DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)

JUL 26 2002

MEMORANDUM FOR DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
ATTENTION: JAMES C. DUCK
P. O. BOX 4970
JACKSONVILLE FL 32232-0019

FROM: 45 CES/CE
1224 Jupiter Street
Patrick AFB, Florida 32925-3343

SUBJECT: Comments on the Draft Environmental Assessment for the North Jetty
Permanent Sand-Tightening and Jetty Extension, Canaveral Harbor,
Florida

1. Per your letter dated 20 June 2002, attached are the comments on the Draft Environmental Assessment for the above referenced project.
2. Point of contact for this subject is Angy Chambers at (321) 494-5286.


WILLIAM J. GIBSON, GS-14
Deputy, Range/Base Civil Engineer

Attachment:
Comments

DOCUMENT REVIEW COMMENTS

DOCUMENT REVIEWED: DRAFT ENVIRONMENTAL ASSESSMENT, NORTH JETTY PERMANENT SAND-TIGHTENING AND JETTY EXTENSION

REVIEWER'S NAME: CHAMBERS
OFFICE SYMBOL: 45 CES/CEVP

DATE REVIEWED: 20020719
PHONE NUMBER: 494-5286 DSN 854-5286

Section	Page	Para	Line #	Comment
1.4	7	2		If the point of the project is to prevent sand from entering the channel, as well as provide an area for sand to accrete for future bypass projects, what is the possibility of removing the sand that has already accreted and stockpiling it somewhere for future use? This would provide space in this area for additional sand to deposit itself, without having to extend the jetty any farther.
Table 1	10			Wouldn't there be an effect to sea turtles, manatees and whales with the No Action Alternative, due to the requirement for more frequent dredging?
3.1.3	13	1		Is this correct? Doesn't the Air Force own the land and the Canaveral Port Authority or the COE have an easement, right of entry or permit to conduct maintenance activities around the jetty area.
4.1.1	18	1		Consultation with the USFWS and NMFS should occur for manatees (USFWS) and sea turtles in the water (NMFS). The agencies should make the determination on whether the proposed project may impact these species.
4.1.1.4	19	1		The USFWS will make the final determination on proposed impacts to beach mice and what measures, if any, will be taken to protect them.
4.1.2	19	1		As stated in Comment #2, the No Action Alternative would lead to more frequent dredging of the port channel, which leads to the assumption of increased encounters with or threats to threatened and endangered species.
4.2.1	19	1		In addition to the statement made, there is a large population of gopher tortoises that reside in the east spoil berm. These tortoises frequently use the access road located along the base of the spoil site's eastern edge; the same road that project personnel are planning on using to access the construction site. Personnel must be directed to exercise extreme caution when traversing this road. Any tortoises encountered should be allowed to safely cross on their own or be placed on one side of the road, out of harm's way. Further, personnel must be directed to contact the Environmental Support Contract (ESC) office (853-6858) if any tortoises are discovered in the project or staging/stockpile areas.
4.8.1	21	1		The word "re-mediated" does not contain a hyphen.
4.17.18	25	1		Birds protected under the Migratory Bird Treaty Act have been known to utilize and nest in/near the proposed staging/stockpile areas. Suggest adding a section related to migratory birds. These areas must be checked prior to commencement of project to ensure there will be no impacts to species covered under this Act. If nests are discovered, they must be either avoided or eggs/young must be relocated to a licensed wildlife rehabilitator. The (ESC) office can provide guidance on these activities.
General				The AF Form 813 for this project should be included as an Appendix.

Appendix I				This Appendix states that the relocation work will be done under the 45 SW permit. How will this be coordinated?
General				Will any type of real property instrument be generated for the use of the temporary staging/stockpile areas?

General Comments:

Planning Division
Environmental Branch

AUG 06 2002

Mr. William J. Gibson
Department of the Air Force
45 CES/CE
1224 Jupiter Street
Patrick AFB, Florida 32925-3343

Dear Mr. Gibson:

This letter acknowledges the U.S. Army Corps of Engineers (Corps) receipt of your July 26, 2002, letter stating that you have reviewed the draft Environmental Assessment (EA) for the proposed north jetty permanent sand-tightening and jetty extension at Canaveral Harbor, Brevard County, Florida. As stated in the EA, the selected plan would involve the sand-tightening and elevating of 940-feet of the existing north jetty using rock boulders and a geo-grid/geo-textile barrier. The jetty would also be extended 300-feet using steel sheet pile and rock armor. Upland Areas 1 and 1A would be temporarily utilized for stockpiling and storing of equipment and materials. The Corps offers the following responses to your comments:

Comment 1 (Section 1.4, Page 7, Paragraph 2 of the EA): If the point of the project is to prevent sand from entering the channel, as well as provide an area for sand to accrete for future bypass projects, what is the possibility of removing the sand that has already accreted and stockpiling it somewhere for future use? This would provide space in this area for additional sand to deposit itself, without having to extend the jetty any farther.

Response: Removal and stockpiling of sand for future beach fill use is acknowledged, but beyond the scope of the present contract. The next bypass operation is anticipated to occur in FY04. There is an ongoing analysis that may result in the southward shift of placement of the bypass material, and possible increases in bypassing quantity; but this is yet to be determined.

Comment 2 (Table 1 of the EA): Wouldn't there be an effect to sea turtles, manatees and whales with the No Action Alternative, due to the requirement for more frequent dredging?

Response: The No Action Alternative in this case means that there would be no change in the status quo.

Comment 3 (Section 3.1.3, Page 13, Paragraph 1): Is this correct? Doesn't the Air Force own the land and the Canaveral Port Authority or the COE have an easement, right of entry or permit to conduct maintenance activities around the jetty area?

Response: The wording in the EA is based on the following documents:

(a) A DEED (#23581, dated Jan 31, 1964) of land conveyed from the Trustees of the Internal Improvement Fund of the State of Florida to the Canaveral Port Authority, in which Schedule F therein refers to the lands under and 125-ft north of the north jetty.

(b) Subsequently, there is an EASEMENT (25 March 1964) from the Canaveral Port Authority to the U. S. Government for "perpetual right and easement to enter upon, construct, repair, maintain, improve or enlarge jetties and revetments"...etc. specifying as Schedule A Tract 13 the Perpetual Easement for North Jetty.

Comment 4 (Section 4.1.1, Page 18, Paragraph 1 of the EA): Consultation with the USFWS and NMFS should occur for manatees (USFWS) and sea turtles in the water (NMFS). The agencies should make the determination on whether the proposed project may impact these species.

Response: Pursuant to Section 7 of the Endangered Species Act, consultation with the USFWS and NMFS has been recently completed regarding federally listed species that the proposed action may affect. In accordance with the *Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act (USFWS and NMFS 1998)*, the action agency makes the determination on whether a proposed activity may affect federally listed species and requests concurrence from the USFWS and NMFS.

Comment 5 (Section 4.1.1.4, Page 19, Paragraph 1 of the EA): The USFWS will make the final determination on proposed impacts to beach mice and what measures, if any, will be taken to protect them.

Response: The biological opinion from the USFWS regarding the southeastern beach mouse has been previously faxed to your office. The USFWS stated, "the level of anticipated take is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat. " The USFWS further stated, "the Service is unable to provide reasonable and prudent measures to minimize the level of anticipated take. Trapping and relocation is not possible as the staging areas and work corridor will continue to be accessible to beach mice throughout the life of the project. Once the project is completed; however, mice will recolonize these areas."

Comment 6 (Section 4.1.2, Page 19, Paragraph 1 of the EA): As stated in Comment #2, the No Action Alternative would lead to more frequent dredging of the port channel, which leads to the assumption of increased encounters with or threats to threatened and endangered species.

Response: The No Action Alternative in this case means that there would be no change in the status quo.

Comment 7 (Section 4.2.1, Page 19, Paragraph 1 of the EA): In addition to the statement made, there is a large population of gopher tortoises that reside in the east spoil berm. These tortoises frequently use the access road located along the base of the spoil site's eastern edge; the same road that project personnel are planning on using to access the construction site. Personnel must be directed to exercise extreme caution when traversing this road. Any tortoises encountered should be allowed to safely cross on their own or be placed on one side of the road, out of harm's way. Further, personnel must be directed to contact the Environmental Support Contract (ESC) office (853-6858) if any tortoises are discovered in the project or staging/stockpile areas.

Response: Protective language for all gopher tortoises in the proposed work areas has been previously included in the construction plans and specifications for this project. The

environmental support subcontractor for Cape Canaveral Air Station, Dynamac Inc., has also been listed in the specifications as the contact for relocations and technical information on gopher tortoises (Dynamac, Inc. would be requested to perform as sub-contractor to the construction contractor). Additional language on the conditions described in Comment 7 has been added to the EA.

Comment 8 (Section 4.8.1, Page 21, Paragraph 1 of the EA): The word "re-mediated" does not contain a hyphen.

Response: Correction has been made.

Comment 9 (Section 4.17.18, Page 25, Paragraph 1 of the EA): Birds protected under the Migratory Bird Treaty Act have been known to utilize and nest in/near the proposed staging/stockpile areas. Suggest adding a section related to migratory birds. These areas must be checked prior to commencement of project to ensure there will be no impacts to species covered under this Act. If nests are discovered, they must be either avoided or eggs/young must be relocated to a licensed wildlife rehabilitator. The (ESC) office can provide guidance on these activities.

Response: Protective language for migratory birds in the proposed work areas has been previously included in the construction plans and specifications for this project. The environmental support subcontractor for Cape Canaveral Air Station, Dynamac Inc., has also been listed in the specifications as the contact for bird monitoring. Additional language on the protection of migratory birds has been added to the EA.

Comment 10 (General): The AF Form 813 for this project should be included as an Appendix.

Response: The AF Form 813 has been placed in the EA as an Appendix.

Comment (Appendix 1 of the Environmental Site Survey, Appendix D of the EA): This Appendix states that the relocation work will be done under the 45 SW permit. How will this be coordinated?

Response: As previously stated, the environmental support subcontractor for Cape Canaveral Air Station, Dynamac Inc., has been listed in the project specifications as the contact for gopher tortoise relocations. Dynamac would be responsible for coordination requirements under the 45 SW permit.

Comment 11 (General): Will any type of real property instrument be generated for the use of the temporary staging/stockpile areas?

Response: A request was made of the Air Force to issue a license/permit for access to the staging areas to perform work associated with the sand tightening and jetty extension.

Any further questions regarding this project should be directed to Mr. Paul Stodola at the letterhead address or by telephone at 904-232-3271.

Sincerely

James C. Duck
Chief, Planning Division



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312; Fax 570-5517
<http://caldera.sero.nmfs.gov>

JUL 23 2002

F/SER3:DLK

Mr. James C. Duck
Chief, Planning Division
Jacksonville District Corps of Engineers
Department of the Army
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Duck :

This correspondence is in reply to the letter (received April 30, 2002) and the Draft Environmental Assessment, North Jetty Permanent Sand-Tightening and Jetty Extension, Canaveral Harbor, Brevard County, Florida (EA) (received May 30, 2002) from the U.S. Army Corps of Engineers (COE), Jacksonville District. The COE has requested section 7 consultation from the National Marine Fisheries Service (NOAA Fisheries), pursuant to the Endangered Species Act of 1973 (ESA) on the above referenced project. The NOAA Fisheries consultation number for this project is I/SER/2002/00576; please refer to this number in future correspondence on this project.

The COE, Jacksonville District, along with the Canaveral Port Authority, proposes to permanently sand-tighten and elevate 940 feet of the existing north jetty at Canaveral Harbor, Brevard County, Florida, using rock boulders and a geo-grid/geo-textile barrier. The jetty would also be extended by 300 feet using steel sheet-pile and rock armor. The construction is expected to be performed by land-based equipment. Transport of materials and some construction activity, however, may include the use of barges as per a May 8, 2002, e-mail from Paul Stodola of the COE and the draft EA for this project. The project is expected to last approximately 10 months, and may begin at any time of the year.

ESA listed species under NOAA Fisheries' purview which potentially occur in Atlantic Ocean waters off Cape Canaveral, Florida, include: five species of sea turtles including the green (*Chelonia mydas*), loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*); and five species of whales including the northern right (*Eubalaena glacialis*), finback (*Balaenoptera physalus*), humpback (*Megaptera novaeangliae*), sei (*Balaenoptera borealis*), and sperm (*Physeter macrocephalus*).

None of the whale species, except for the right whale, are expected to be found near the project area because they tend towards deeper open ocean waters. The right whale is known to occur in coastal areas off Florida's Atlantic coast, and the project site is within designated critical habitat for the right whale. The activities related to the project will occur in shallow areas near the shore, and therefore no interactions with right whales are expected. The in-water area to be impacted is limited in size, is primarily composed of shifting sands, and does not constitute important foraging habitat for sea turtles. As designed, the project should result in a reduction in the need for maintenance dredging in the area, thereby decreasing the likelihood of future dredge interactions with sea turtles. In addition, per the draft



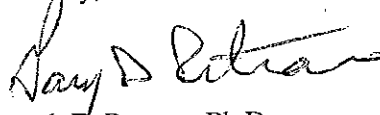
EA, the contractor will train his personnel in all phases of environmental protection. During construction activities, if any protected species are sighted in the vicinity the activity must be suspended until the animal is at a safe distance. Based upon this review, NOAA Fisheries believes that the proposed action is not likely to adversely affect any listed species under its purview. The U.S. Fish and Wildlife Service (FWS) has jurisdiction over sea turtles on the beach, including nests, and the COE is in consultation with FWS for this project.

This concludes the COE's consultation responsibilities under section 7 of the ESA for the proposed actions for federally listed species, and their critical habitat, under NOAA Fisheries' purview. Consultation should be reinitiated if there is a take, new information reveals impacts of the proposed actions that may affect listed species or their critical habitat, a new species is listed, the identified action is subsequently modified, or critical habitat designated that may be affected by the proposed activity.

Pursuant to the essential fish habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)(2) and 50 CFR 600.905-.930, Subpart K), the NOAA Fisheries Habitat Conservation Division (HCD) is being copied with this letter. The HCD biologist for this region is George Getsinger. If you have any questions about consultation regarding essential fish habitat for this project, please contact Mr. Getsinger at (904) 232-2580 extension 121.

If you have any questions, please contact Dennis Klemm, fishery biologist, at the number above or by e-mail at Dennis.Klemm@noaa.gov.

Sincerely,


for Joseph E. Powers, Ph.D.
Acting Regional Administrator

cc: F/PR3
F/SER45-G. Getsinger

File: 1514-22 f.1 Florida
O:\section 7\informal\Canaveral Jetty.wpd



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702-2432

July 17, 2002

Colonel James G. May
District Engineer
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel May:

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the Draft Environmental Assessment (DEA) which you provided by letter dated May 31, 2002. The DEA addresses permanent sand-tightening and extension of the Canaveral Harbor North Jetty, in Brevard County, Florida. According to the information provided, work would be largely confined to upland construction staging locations, the existing rubble mound jetty, and a small area of subtidal unconsolidated bottom that would be used for the jetty extension. No long-term and significant adverse impacts to high quality aquatic habitats, including Essential Fish Habitat, are anticipated.

Based on the information provided, NOAA Fisheries concurs with the overall determination you provide concerning anticipated impacts. Therefore, we have no additional comments or recommendations to provide at this time.

These comments do not satisfy your consultation responsibilities under Section 7 of the Endangered Species Act of 1973, as amended. If any activity(ies) "may affect" listed species and habitats under NOAA Fisheries purview, consultation should be initiated with our Protected Species Branch at the letterhead address.

Please direct related questions or comments to the attention of Mr. George Getsinger, at our Jacksonville Office. He may be reached at 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0958, or at (904) 232-2580 ext. 121.

Sincerely,

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division



DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
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Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. James C. Duck
Planning Division, Environmental Branch
Jacksonville District, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

August 10, 2001

RE: DHR Project File No. 2001-06429
Received by DHR July 2, 2001
North Jetty Sand Tightening and Extension
Canaveral Harbor, Brevard County, Florida

Dear Mr. Duck:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer (SHPO) is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

Based on the information provided, it is the opinion of this office that the proposed undertaking will have no effect on historic properties.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservation Planner, by electronic mail sedwards@mail.dos.state.fl.us, or at 850-245-6333 or 800-847-7278.

Sincerely,

Janet Snyder Matthews, Deputy SHPO

Janet Snyder Matthews, Ph.D., Director
Division of Historical Resources
State Historic Preservation Officer

JSM/Ese

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



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VICTOR J. HELLER, Assistant Executive Director

BUREAU OF PROTECTED SPECIES MANAGEMENT
DAVID W. ARNOLD, CHIEF
(850)922-4331
FAX (850)922-4336

August 8, 2001

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: USACE Public Notice of Intent to Prepare a
Study to Evaluate Alternatives for Sand
Tightening and Extending the North Jetty at
Canaveral Harbor, Brevard County

Dear Mr. Duck:

Staff in the Office of Environmental Services has received the aforementioned Public Notice concerning the proposed study to evaluate alternatives for sand tightening and extending the north jetty at Canaveral Harbor in Brevard County and offers the following comments.

It is our understanding the existing jetty currently impounds sand, thereby creating a wide sandy beach that is utilized for nesting by marine turtles. During 1998, the Corps implemented a "sand transfer" operation, removing sand from a subtidal shoal in this area up to the mean high water line (MHW) along the nesting beach in Cape Canaveral Air Station. This material was placed along the beach south of the south jetty in Cape Canaveral. Marine turtle nesting was monitored for both beaches north and south of the inlet. Review of the marine turtle monitoring reports indicated changes in nesting patterns, success, and hatch success for both beaches subsequent to completion of the excavation and sand transfer. Negative impacts to turtle nesting after the project were primarily associated with changes in the beach profile either from excavation at the adjacent borrow site or fill placement.

To minimize ongoing negative impacts to marine turtle nesting beaches north and south of the inlet, any proposal to sand-tighten, extend, or otherwise increase the amount of sand retained north of the jetty must include measures to minimize negative impacts to marine turtles, including continued sand by-passing to the downdrift beaches, tilling, scarp removal, and construction and maintenance of a sloped beach profile similar to the native beach.

Creation of a construction template approximating that of a native beach, with a steeper subtidal and intertidal zone and a gentler slope above the MHW, can reduce negative impacts to marine turtles, their nests, and hatchlings in several ways. Construction of a wide, flat intertidal or supratidal berm can interfere with marine turtles attempting to nest. Data suggests that marine

turtles avoid crossing elevated structures in the nearshore zone or wide intertidal areas. Nests that are deposited on wide, flat berms may be more susceptible to erosion and overwash. Lights from landward development may be more visible from a wide, flat nesting beach with little or no slope, resulting in either avoidance of the beach by nesting females or disorientation of adults or hatchlings.

Conversely, scarp formation associated with equilibration of a wide, flat construction berm may also interfere with marine turtles attempting to nest. Nest deposited seaward of the scarp or close to the seaward edge of the berm may be lost to erosion during profile adjustment.

We strongly recommend that the proposed sand tightening study consider these potential negative impacts to marine turtles, their nests, and hatchlings, and the project include provisions for continued sand transfer and creation of a construction berm that approximates the native beach profile. Any excavation close to the nesting beach should also minimize the creation of a deep pit that would accelerate erosion of the adjacent berm. Sand that accumulates north of the jetty should be managed to minimize impacts to turtles attempting to nest in this area. Because of the documented increase in disorientations and take of adult and hatchling turtles subsequent to creation of an artificially elevated, flat nesting beach, we strongly recommend that the local sponsor become active in adopting and enforcing a lighting ordinance that will minimize the potential impact of lights on the nesting beach after fill placement.

Thank you for the opportunity to comment on this project. We look forward to continued participation in the development of a study to evaluate alternatives for sand tightening and extending the north jetty at Canaveral Harbor. Please contact me at (850) 922-4330 if you have questions or require additional information.

Sincerely,



Robbin N. Trindell, Ph.D.
Biological Administrator

RNT/rt

ENV 7-3

C:\Data\Beaches\brevard\2001\canaveral sand tightening.doc

cc: Sandy MacPherson, FWS-Jax
Don Palmer, FWS-Jax
Bill Fonferek, FWS-Jax
Kent Edwards, DEP-OBCS



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

July 26, 2001


James C. Duck
Chief, Jacksonville District Planning Division
Environmental Branch
Department of the Army, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

The National Marine Fisheries Service (NMFS) has received your June 29, 2001, request for comments regarding study objectives for an Environmental Assessment to be prepared for the proposed sand tightening and extension of the north jetty at Canaveral Harbor in Brevard County, Florida. The project is located in areas identified as Essential Fish Habitat (EFH) in the 1998 generic amendment of the Fishery Management Plans prepared by the South Atlantic Fishery Management Council as required by the 1996 amendment to the Magnuson-Stevens Fishery Conservation and Management Act. We remind you that as a Federal agency which will either permit, fund, or undertake the proposed activities which may adversely impact EFH you must undertake an EFH Consultation with the NMFS. Please refer to our May 3, 1999, findings with your agency regarding EFH Consultation procedures.

If we can be of further assistance, please advise. Related comments, questions, or correspondence should be directed to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5311 or at the letterhead address above.

Sincerely,


for

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER4
F/SER43



HY1 LANG/CF: Dnpes



DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)

MEMORANDUM FOR UNITED STATES DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PLANNING DIVISION, ENVIRONMENTAL BRANCH
P.O. BOX 4970
JACKSONVILLE FL 32232-0019

FROM: 45 CES/CEV
1224 Jupiter Street, MS-9125
Patrick AFB FL 32925

SUBJECT: Comments on the Study for Alternatives for Sand Tightening at Cape Canaveral Air Force Station 9CCAFS), Florida

1. We have received a copy of the proposed study of alternatives for the sand tightening of the North Jetty of the Canaveral Harbor. We look forward to receiving the Environmental Assessment that will be prepared.
2. One area that was not covered by this letter deals with coordination for contractors coming onto CCAFS to do work. Recently a group of surveyors were doing work on CCAFS as a part of the Sand Bypass Activity. The presence of the workers was detected when holes that were dug on the beach to locate survey markers were discovered by biologists doing sea turtle nesting surveys. It took several days to determine that the surveyor was digging the holes. The surveyor indicated that he was cleared for badging by someone in the Jacksonville Corps office. Although no perceived damage was done to any sea turtle nests, coordination with the Cape Commander, Lt Col Thomas A. Eye, and the Environmental Flight would have alleviated any concerns for the turtle nests. In addition to the turtles that nest on the beach, there are also beach mice present in the area where they were digging. In the future, notification of the intent to do work on CCAFS should be done through the Cape Commander's office and the Environmental Flight.
3. The phone number for the Cape Commander is (321) 853-3900. The point of contact for the Environmental Flight is Mr. Mike Camardese at (321) 853-0910, or E-mail michael.camardest@patrick.af.mil.


A. CLAY GORDIN, GM-13
Chief, Environmental Planning

cc:
Lt Col Thomas A. Eye, Det 1, 45 SPTG/CC
Jack Gibson, Cape Civil Engineer, 45 CES/CEL



Jeb Bush
Governor

Department of Environmental Protection

Majorie Stoneman Douglas Building
3900 Commonwealth Blvd.
Tallahassee, Florida 32399-3000

David B. Struhls
Secretary

August 6, 2001

Jasmin Raffington
State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: COE; Notice of Intent to Study and Evaluate Alternatives for Sand Tightening and extending the North Jetty at Canaveral Harbor, Brevard County

SAI: FL01-0613C

Dear Ms. Raffington:

The Florida Department of Environmental Protection (FDEP) has completed its review of the above-referenced Notice of Intent to study and evaluate alternatives for sand tightening and extending the North Jetty at Canaveral Harbor in Brevard County. The Department requests that the United States Army Corp of Engineers (USACE) consult with FDEP's Office of Beaches and Coastal Systems and the Inlet Management Advisory Committee in their effort to evaluate these alternatives. While funding for the study is consistent with the Department's authorities in the Coastal Management Program, final consistency of the project itself will be determined during the permitting stage since detailed project information is not available at this stage of project development.

Thank you for the opportunity to comment on this project. If I can be of further assistance, please contact me at (850) 487-2231.

Sincerely,

Marlane Castellanos
Office of Legislative and Governmental Affairs

MC/



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

September 19, 2001

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Department of the Army - District Corps of Engineers - Notification of Intent -
Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty
at Canaveral Harbor - Brevard County, Florida
SAI: FL200107060613C

Dear Mr. Duck:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) requests that the U.S. Army Corps of Engineers consult with DEP's Office of Beaches and Coastal Systems and the Inlet Management Advisory Committee in the effort to evaluate the alternatives. While funding for the study is consistent with DEP's authorities in the Coastal Management program, final consistency of the project itself will be determined during the permitting stage, since detailed project information is not available at this stage of project development. Please refer to the enclosed DEP comments.

Based on the information contained in the notification of intent and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

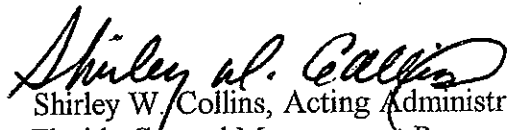
EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Mr. James C. Duck
September 19, 2001
Page Two

Thank you for the opportunity to review this notification of intent. If you have any questions regarding this letter, please contact Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,


Shirley W. Collins, Acting Administrator
Florida Coastal Management Program

SWC/cc

Enclosures

cc: Marlane Castellanos, Department of Environmental Protection

COUNTY: BREVARD

DATE: 7/2/01

COMMENTS DUE DATE: 8/5/01

CLEARANCE DUE DATE: 8/31/01

Message:

SAI#: FL200107060613C

STATE AGENCIES

WATER MNGMNT. DISTRICTS

OPB POLICY UNITS

COMMUNITY AFFAIRS
FISH & WILDLIFE CONSERV. COMM
X STATE
TRANSPORTATION
ENVIRONMENTAL PROTECTION

ST. JOHNS RIVER WMD

ENVIRONMENTAL POLICY/C & ED

Brevard
SAI-CORPS
2001-6949

X: 2001-6429
973789

NHPS

RECEIVED
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HISTORIC PRESERVATION
01 JUL 18 PM 3:13

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Notification of Intent - Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty at Canaveral Harbor - Brevard County, Florida.

To: Florida State Clearinghouse
AGENCY CONTACT AND COORDINATOR (SCH)
2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA

- ☒ No Comment
- ☐ Comment Attached
- ☐ Not Applicable

Federal Consistency

- ☒ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From:

Division of Historical Resources
Bureau of Historic Preservation

Division/Bureau:

Reviewer:

SCOTT Edwards

Date:

8-10-01

Frank P. Garber
Deputy SHPO
8/13/01



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, Florida 32399-0450

THOMAS F. BARRY, JR.
SECRETARY

August 1, 2001

Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida, 32399-2100

Re: Department of the Army – District Corps of Engineers – Notification of Intent -
Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty
At Canaveral Harbor -- Brevard County, Florida
SAI# FL200107060613C

Dear Ms. Trainor:

The Department has reviewed the subject application and has no comments.

Sincerely,

Larry B. Phillips
Intermodal Specialist/Seaport Office

C: Carolyn Ismart, D-5
Cheryl Harrison-Lee, D-5
Sandra Whitmire
File

LP/

RECEIVED
AUG 02 2001

State of Florida Clearinghouse

COUNTY: BREVARD

Message:

DATE: 7/2/01

COMMENTS DUE DATE: 8/5/01

CLEARANCE DUE DATE: 8/31/01

SAI#: FL200107060613C

STATE AGENCIES

WATER MNGMNT. DISTRICTS

OPB POLICY UNITS

ST. JOHNS RIVER WMD

ENVIRONMENTAL POLICY/C & ED

COMMUNITY AFFAIRS
FISH & WILDLIFE CONSERV. COMM
STATE
X TRANSPORTATION
ENVIRONMENTAL PROTECTION



The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

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- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
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Project Description:

Department of the Army - District Corps of Engineers - Notification of Intent - Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty at Canaveral Harbor - Brevard County, Florida.

RECEIVED
AUG 02 2001

State of Florida Clearinghouse

To: Florida State Clearinghouse

EO. 12372/NEPA

Federal Consistency

AGENCY CONTACT AND COORDINATOR (SCH)

2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

- ☒ No Comment
☐ Comment Attached
☐ Not Applicable

- ☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

Seaport Office / Fla. Dept. of Transportation

Romy B. Melgar

8/1/01

COUNTY: BREVARD

DATE: 7/2/01

COMMENTS DUE DATE: 8/5/01

CLEARANCE DUE DATE: 8/31/01

Message:

SAI#: FL200107060613C

STATE AGENCIES

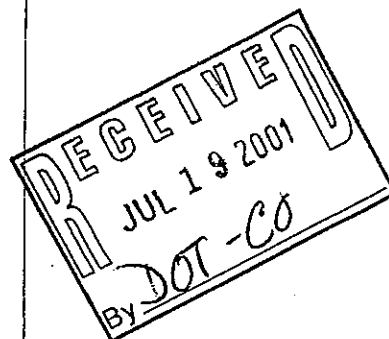
WATER MNGMNT. DISTRICTS

OPB POLICY UNITS

COMMUNITY AFFAIRS
FISH & WILDLIFE CONSERV. COMM
STATE
X TRANSPORTATION
ENVIRONMENTAL PROTECTION

ST. JOHNS RIVER WMD

ENVIRONMENTAL POLICY/C & ED



The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Notification of Intent - Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty at Canaveral Harbor - Brevard County, Florida.

RECEIVED
AUG 02 2001

State of Florida Clearinghouse

To: Florida State Clearinghouse

EO. 12372/NEPA

Federal Consistency

AGENCY CONTACT AND COORDINATOR (SCH)

2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

- ☒ No Comment
- ☐ Comment Attached
- ☐ Not Applicable

- ☐ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

Support Office / Fla. Dept. of Transportation
Sam B. McElroy
8/1/01

**FLORIDA STATE CLEARINGHOUSE
RPC INTERGOVERNMENTAL COORDINATION
AND RESPONSE SHEET**

24
RECEIVED JUL 19 2001

SAI#: FL200107060613C

DATE: 7/2/01

COMMENTS DUE TO CLEARINGHOUSE: 7/6/01

AREA OF PROPOSED ACTIVITY: COUNTY: BREVARD CITY:

☐ FEDERAL ASSISTANCE ☒ DIRECT FEDERAL ACTIVITY ☐ FEDERAL LICENSE OR PERMIT ☐ OCS

PROJECT DESCRIPTION

Department of the Army - District Corps of Engineers - Notification of Intent - Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty at Canaveral Harbor - Brevard County, Florida.

ROUTING:

RPC

X E. CENTRAL FL RPC

PLEASE CHECK ALL THE LOCAL GOVERNMENTS BELOW FROM WHICH COMMENTS HAVE BEEN RECEIVED; ALL COMMENTS RECEIVED SHOULD BE INCLUDED IN THE RPC'S CLEARINGHOUSE RESPONSE PACKAGE. IF NO COMMENTS WERE RECEIVED, PLEASE CHECK "NO COMMENT" BOX AND RETURN TO CLEARINGHOUSE.

COMMENTS DUE TO RPC: 7/6/01

NO COMMENTS:

(IF THE RPC DOES NOT RECEIVE COMMENTS BY THE DEADLINE DATE, THE RPC SHOULD CONTACT THE LOCAL GOVERNMENT TO DETERMINE THE STATUS OF THE PROJECT REVIEW PRIOR TO FORWARDING THE RESPONSE PACKAGE TO THE CLEARINGHOUSE.)

NOTES:

ALL CONCERNS OR COMMENTS REGARDING THE ATTACHED PROJECT (INCLUDING ANY RPC COMMENTS) SHOULD BE SENT IN WRITING BY THE DUE DATE TO THE CLEARINGHOUSE. PLEASE ATTACH THIS RESPONSE FORM AND REFER TO THE SAI # IN ALL CORRESPONDENCE.

IF YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED PROJECT, PLEASE CONTACT THE STATE CLEARINGHOUSE AT (850) 414-6580 OR SUNCOM 994-6580.

COUNTY: BREVARD

#1996

DATE: 7/2/01

COMMENTS DUE DATE: 8/5/01

CLEARANCE DUE DATE: 8/31/01

Message:

✓ 8/8

SAI#: FL200107060613C

STATE AGENCIES

COMMUNITY AFFAIRS
FISH & WILDLIFE CONSERV. COMM
STATE
TRANSPORTATION
ENVIRONMENTAL PROTECTION

WATER MNGMNT. DISTRICTS

X ST. JOHNS RIVER WMD

AUG 13 2001

State of Florida Clearinghouse

OPB POLICY UNITS

ENVIRONMENTAL POLICY/C & ED

ST JOHNS RIVER WATER MFG

JUL 18 2001

MAIL CENTER

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Project Description:

Department of the Army - District Corps of Engineers - Notification of Intent - Study to Evaluate Alternatives for Sand Tightening and Extending the North Jetty at Canaveral Harbor - Brevard County, Florida.

To: Florida State Clearinghouse

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☐ No Comment

☐ Comment Attached

☐ Not Applicable

☒ No Comment/Consistent

☐ Consistent/Comments Attached

☐ Inconsistent/Comments Attached

☐ Not Applicable

From:

Division/Bureau:

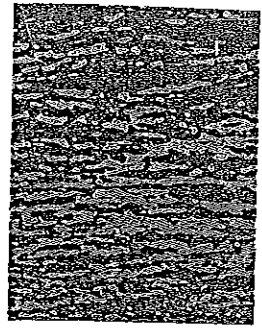
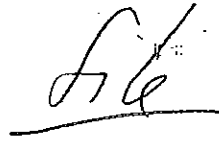
Reviewer:

Date:

[Signature]
8-8-01

October 11, 2001

Mr. Clay Gordin
Chief, Environmental Planning
45 CES/CEVP
1224 Jupiter St.
Patrick AFB, FL 32925-3343



Coastal Engineering

Re: Canaveral Harbor North Jetty – Permanent Sand Tightening

Dear Mr. Gordin:

The U.S. Army Corps of Engineers, Jacksonville District, is preparing plans for sand-tightening of the existing north jetty at Canaveral Harbor Entrance. Construction is anticipated to commence in FY'02 (June 2002 – March 2003). The Local Sponsor for this federal project is the Canaveral Port Authority (CPA). On behalf of the CPA, our firm is acquiring the FDEP permit and assisting the Corps in other requisite tasks relating to regulatory compliance.

I have prepared an Air Force Form 813 (Request for Environmental Impact Analysis), as enclosed, in regard to the proposed work. Three (3) copies are enclosed, for your use in reviewing the project.

The proposed work will (1) remove the interim sand-tightening structure at the north jetty (550-ft of sand-filled geotextile tubes), (2) sand-tighten and elevate 940-ft of the existing rock jetty using rock boulders and a geogrid/geotextile barrier, and (3) extend the jetty seaward by 300-ft using steel sheetpile and rock armor. Drawings of the work, along with additional information and description, are attached to the Form 813 application.

The Corps proposes this work as a permanent replacement for the interim (sand-filled geotextile tube) sand-tightening project at the north jetty. That project was installed by the Corps as a demonstration project in March, 1998. The purpose of the project is to reduce maintenance-dredging requirements along the north bank of the Canaveral Harbor federal navigation channel that is associated with substantial sand transport, through, over, and around the porous north jetty. As you know, this shoaling is a principal determinant of the need for maintenance dredging, particularly at the entrance to the Trident Basin, and historically at the seaward end of the north jetty. The sand that is retained upon the north beach by the jetty improvements will be available for placement to the beach south of the inlet via the Canaveral Harbor Federal Sand Bypass Project. The sand that is transported past the jetty and into the inlet, in present conditions, is mostly lost from the littoral system by maintenance dredging - - despite efforts since 1992 to place the dredged material in a nearshore disposal area.

As an aside, I will additionally note that we are presently working with the Corps to extend the sand bypass project's fill area further to the south (beyond the Cocoa Beach pier). This should increase the feeder benefit of the bypassed sand to the beaches south of the Port. The next sand bypass event is scheduled for FY'04.

olsen
associates, inc.

4438 Herschel Street
Jacksonville, FL 32210
(904) 387-6114
(Fax) 384-7368

The lands involved in the project are deeded to the Canaveral Port Authority (#23581, January 31, 1964), with the exception of about 40 ft of the seaward end. An easement from the State for use of these sovereign submerged lands (0.56 Ac) is being sought as part of the FDEP permit application.

I have enclosed a copy of the approved AF Form 813 from the interim sand-tightening project (February 29, 1996), for your convenience. That document includes a copy of the deed which describes the land ownership.

By way of this letter, I am also requesting a letter from 45 CES/CEV that acknowledges the ability of FDEP staff to access the site for project inspection, subject to appropriate notice to, and badging by, Cape Canaveral Air Station. I will forward that letter to FDEP pursuant to their request for information regarding site access. A similar letter was prepared by 45 CES/CEV for the prior, interim sand-tightening project (February 8, 1996) - - of which I have also enclosed a copy.

The project manager at the Jacksonville District, Corps of Engineers, for this work is Mr. Jerry Scarborough (904-232-2042). The Corps' NEPA compliance documentation is being prepared by Mr. Mike Dupes (904-232-1689). The contact at the Canaveral Port Authority for this project is Mr. Richard Lombroia or Mr. Joe Lapolla (321-783-7831). The principal point of contact at our firm for this work is myself, Dr. Kevin Bodge (904-387-6114).

Please do not hesitate to call me if you have any questions regarding this request. I appreciate your attention and consideration in this matter.

Sincerely,



Kevin R. Bodge, Ph.D., P.E.
Vice-President, Senior Engineer

KRB:mb1

enc: AF Form 813 - Application and Supporting Information; 3 copies
Approved AF Form 813 - Interim Sand-Tightening Project (1996)
Memo from 45 CES/CEV re: site access (February 1996)

cc w/enc: Mike Dupes (U.S. Army Corps of Engineers)
Jerry Scarborough (U.S. Army Corps of Engineers)

cc w/o enc: Joseph Lapolla (Canaveral Port Authority)

ATTACHMENT A

PROJECT DESCRIPTION

North Jetty Permanent Sand-Tightening, Canaveral Harbor, FL

Proponent and Local Sponsor: Canaveral Port Authority
Agent for Local Sponsor: Olsen Associates, Inc. (Kevin R. Bodge, Ph.D., P.E.)
Construction Agency: U. S. Army Corps of Engineers, Jacksonville District
Co-Sponsor (non-Federal): State of Florida, Dept. of Environmental Protection

Description of Work. The proposed work will (1) remove the interim sand-tightening structure at the north jetty (550-ft of sand-filled geotextile tubes, installed in 1998), (2) sand-tighten and elevate 940-ft of the existing rock jetty using rock boulders and a geogrid/geotextile barrier, and (3) extend the jetty seaward by 300-ft using steel sheetpile and rock armor. Drawings of the work are included on the following four sheets.

It is anticipated that the majority, or all, of the work will be constructed by land-based equipment (front-loader and back-hoe). It is likely that the seaward extension of the jetty will be constructed by track-mounted crane and back-hoe advancing seaward along the crest of the existing jetty. This construction method was successfully employed by the Corps to extend the south jetty at Canaveral Harbor, in 1995. The existing sand in the interim, geotextile tubes will be released to the beach, and the geotextile materials will be removed from the site and disposed of in an approved upland facility. The sand that fills the tubes originally came from this beach.

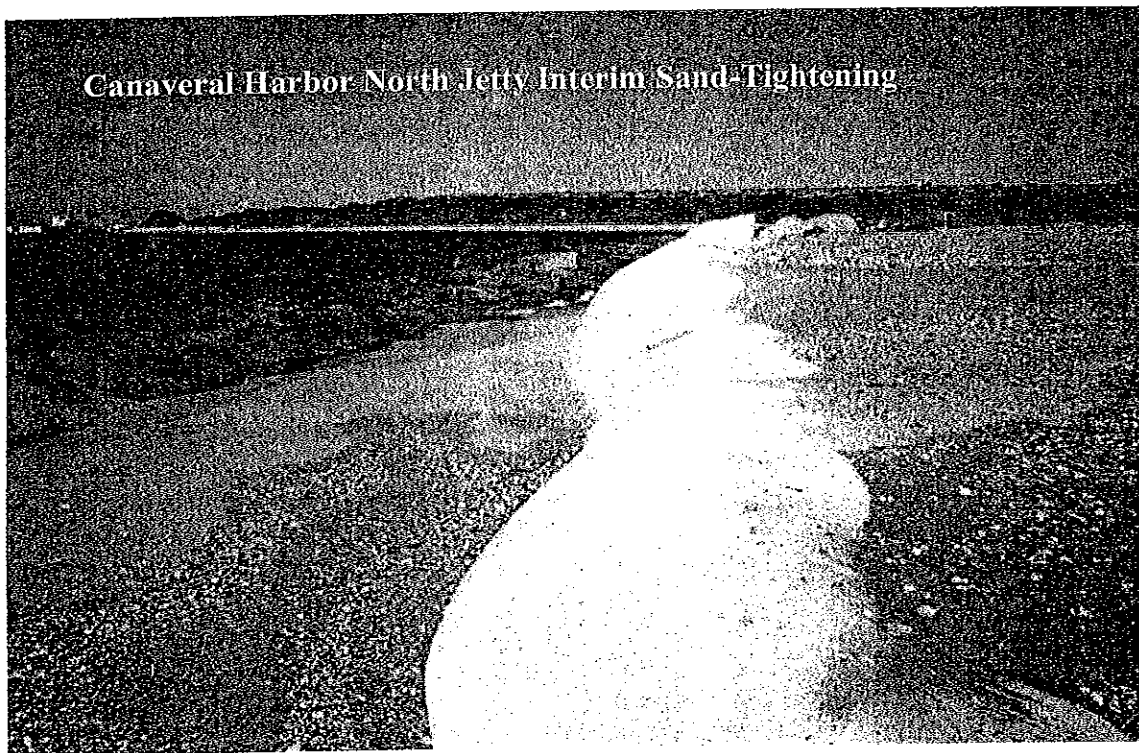
Construction access to the site will be principally (or solely) by land-based equipment. This will require access through the CCAS base and along the existing dirt roads seaward of the Trident Basin East Spoil Area, in order to reach the north jetty work area. A temporary work area on the sand beach adjacent to the north jetty will be required for staging and stockpiling. The limits of this area are indicated on Sheet 2 of the attached drawings.

This is a federal project, for which plans and specifications will be prepared by the U. S. Army Corps of Engineers, and construction will be managed by the Corps. Federal funding is available for the work in FY'02. The Corps anticipates construction between about June 2002 and March 2003. The actual time required for construction (site work) will likely be less than 120 days. The Corps (Jacksonville District) is preparing an E.A. and other NEPA compliance documents.

Purpose and Need of Proposed Activity. The proposed works are intended to permanently replace, and extend, the interim sand-tightening structure that was installed at the north jetty by the Corps in 1998 as a demonstration project. Sand-tightening and extension of the existing north jetty at Canaveral Harbor is required to minimize chronic and significant transport of sand from the beach north of the inlet to the navigation channel. This transport results in substantial sand shoaling at the entrance to the Harbor and the Trident Basin, and is often the critical determinant of maintenance dredging requirements – particularly as it poses hazards to the navigation of U. S. Navy submarines and other warships.

The proposed works will minimize the transport of sand from the north beach into the navigation channel. The sand that is retained upon the beach – north of the improved jetty – will then be available for transport to the beaches downdrift of the inlet via the Canaveral Harbor Federal Sand Bypass Project. Presently, the sand that is transported into the inlet is mostly lost from the littoral system – despite efforts since 1992 to place the dredged sand in a nearshore disposal area. In sum, the project will result in decreased maintenance dredging requirements of the inlet, improved navigation reliability, and decreased offshore dredging requirements to renourish the downdrift beaches. This yields both fiscal and environmental benefits to the federal and non-federal governments.

A photograph of the interim tightening of the north jetty, in 1998, is shown below. Sand rapidly impounded against this modest structure after installation (about 15,000 cy in a matter of weeks -- before it became saturated). The project demonstrated the need for comprehensive sand-tightening measures at the jetty, for purposes of inlet-improved sand management.



Photograph: April 1998 (approx.); several weeks after installation of the sand-filled geotextile tube interim sand-tightening project.

ATTACHMENT B

Item 9. Water Resources. Impacts to water resources shall be limited to those associated with temporary construction-related turbidity; however, these are anticipated to be mostly immeasurable relative to ambient turbidity levels. Similar work was undertaken to sand-tighten the south jetty at Canaveral Harbor in 1995, and in 2000-01, for which no adverse water quality impacts were observed. There is no significant excavation, dredging, or other soils or water run-off work associated with the present work. A Water Quality Certificate (through FDEP permit) for the project will be acquired..

Item 12. Biological Resources. The subject work area is sandy beach and substrate, including intertidal and submerged seabed (elevation +6 to -8 ft, mhw, approximately). Staging and access areas immediately proximate to the work are designated in generally barren (non-vegetated) areas [see Sheet 2 of drawings, Attachment A]. The direct area upon which materials will be placed to improve the jetty is not habitat to known threatened or endangered species. The temporary staging and work area proposed immediately adjacent to the jetty is habitat for the southeastern beach mouse and potential nesting habitat for marine turtles, as discussed below.

Surveys for the *southeastern beach mouse* have been conducted in the vicinity of the work area in September of 1995, 1998, 1999, and 2000 for the Canaveral Harbor Federal Sand Bypass Project (Donna Oddy and Janet Rebmann, Dynamac Corp.) Four repeated grids were surveyed in these years, at approximately 650, 1300, 2100, and 3100 meters north of the north jetty work area. Summary results of the trapping are presented in the table below. The investigators concluded (2000) that "the small number of beach mice captured during this survey continues to suggest a relatively low population size for this area.... These continuously low population levels may be due in part to weather patterns and alterations of the dune system acting on this population."

Southeastern Beach Mouse Surveys (Cape Canaveral Air Station)						
Grid I.D.	Dist. No. of North Jetty (meters)	Sep-95	Sep-98	Sep-99	Sep-00	Average
Actual Trapnights per survey						
JETTY	650	318	228	148	132	206.5
AQ	1300	397	98	128	162	196.3
LC2529	2100	289	439	421	439	397.0
LC17	3100	191	342	357	349	309.8
Total mice trapped						
JETTY	650	3	1	1	1	1.5
AQ	1300	0	1	3	2	1.5
LC2529	2100	5	13	14	10	10.5
LC17	3100	1	7	9	6	5.8
Mice per 100 trapnights						
JETTY	650	0.94	0.44	0.68	0.76	0.70
AQ	1300	0.00	1.02	2.34	1.23	1.15
LC2529	2100	1.73	2.96	3.33	2.28	2.57
LC17	3100	0.52	2.05	2.52	1.72	1.70

From the table, trapping in the southernmost of the grids -- nearest the jetty work area -- has been generally the lowest. It is noted that an anticipated effect of the jetty sand-tightening work will be localized improvement in the area, size, and stability of the dunes immediately north of the jetty. This, in turn, may result in some modest benefit in habitat for the southeastern beach mouse. The work and staging areas proposed for the project are exclusive of the existing vegetated dune areas adjacent to the jetty; such that impacts to the beach mouse during construction are not anticipated. No specific provisions for the protection or monitoring of the beach mouse were required for construction attendant to the 1998 interim sand-tightening of the jetty.

Surveys of *marine turtle nesting activity* are conducted along Cape Canaveral Air Station by Dynamac Corporation for the Corps of Engineers. Data are tabulated in one-km reaches along the shoreline; and specific data within the 250-ft of beachfront adjacent to the jetty -- proposed for the temporary work area -- are not available. The study manager, Jane Provancha (321-853-6578), however, indicated that nesting density increases away (northward) from the north jetty -- and that the first 200-ft north of the jetty is not generally attractive to nesting activity. She attributed this to the fact that the morphology of the beach along this short area is anomalous relative to the remainder of the beach; i.e., a steep foreshore and low backshore that is dictated by the low jetty elevation and frequent wave-overtopping of the local shore.

Nesting data for the past four years (through July 31, 2001) within 1000 meters north of the north jetty are as follows, with loggerhead turtles apparently being the only indicated species:

Marine Turtle Nesting Activity Within 1000 meters North of the North Jetty

	Nests	False Crawls
1998	25	21
1999	43	35
2000	36	43
2001	31	12

As noted above, an anticipated result of the proposed work is increased stability of the adjacent (updrift) beach profile, and elimination of the anomalous beach morphology that is prone to frequent wave overwash and inundation. As such, the work represents a potential long-term benefit to marine turtle nesting habitat.

Construction is proposed and requested within the main part of the marine turtle nesting season (May 1 -- October 31). While construction activity would be mostly focused upon the jetty structure itself, a work staging area along the beach up to a maximum of 250-ft north of the jetty centerline is proposed. This is the minimum practicable width required for the work; and, it corresponds to that area reported to exhibit minimal (or no) marine turtle nesting activity.

If construction activity is undertaken between March 1 and November 30, then daily early-morning surveys of the work area (including up to 250-ft north of the jetty centerline) shall be conducted beginning not less than 65-days prior to the work to monitor for marine turtle nesting activity. Nests identified within this work area shall be relocated if determined to be in locations that would be unavoidably impacted by construction activity; or, otherwise, shall be marked as an exclusion area of minimum 10-ft radius centered about the clutch. All monitoring and relocation activity (if required) shall be conducted by personnel holding an approved marine turtle permit from the State of Florida.

Item 13. Cultural Resources. Cultural resources surveys within and adjacent to the project area have been conducted by the U. S. Army Corps of Engineers and Morgan & Eklund, Inc. for the Canaveral Harbor Sand Bypass project, landward extension (1995-96). These studies indicated no presence of resources of potential cultural significance in the vicinity of the work area.

Item 14. Geology and Soils. The intent of the project is to reduce chronic losses of sand from the adjacent north shoreline to the inlet and navigation channel. This will reduce maintenance dredging requirements and also benefit the littoral system by retaining sand upon the north beach for future bypassing to the beach south of the inlet. As such, the project represents an improved method by which soil resources (beach sand) are managed at the federal inlet.

Other. For further questions regarding the proposed project, contact:

Dr. Kevin R. Bodge, P.E.
Olsen Associates, Inc.
4438 Herschel Street
Jacksonville, FL 32210
904-387-6114; Telefax 904-384-7368
kbodge@olsen-associates.com